

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

August 20, 2007

A meeting of the City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present

Harold Sanger, Chairman
Michael A. Schoedel, City Manager
Jim Liberman
Debbie Igielnik
Marc Lopata
Scott Wilson

Absent:

Steve Lichtenfeld, Aldermanic Representative

Also Present:

Catherine Powers, Director of Planning & Development Services
Kevin O'Keefe, City Attorney
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

MINUTES – REGULAR MEETING OF AUGUST 6TH, 2007

The minutes of the regular meeting of August 6, 2007 were presented for approval. Marc Lopata asked that the following change be made to the minutes: Page 4, last paragraph – revise to read “*Mr. Stephens* indicated that they could also consider....” The minutes were then approved, as amended, after having been previously distributed to each individual member.

Mr. Charles Pohle, 8024 Watkins, referred to the minutes of the July 16th meeting, asking that the minutes be revised to reflect discussion pertaining to the proposed garage at 8023 Crescent and the amount of siding on the north facing wall.

Chairman Sanger advised Mr. Pohle that his comments will be accepted; however, the minutes cannot be changed since they were already approved at the last meeting.

Mr. Pohle indicated that he was not invited to the meeting of August 6th.

Chairman Sanger advised Mr. Pohle that unless he would be affected by a project on the agenda, he would not have received an agenda in the mail. Chairman Sanger stated that all agendas are posted on the City's web site.

SITE PLAN REVIEW/ARCHITECTURAL REVIEW – DETACHED GARAGE/SECOND UNIT – 8023 CRESCENT (CONTINUED)

Mr. Peter Conant, project architect and Ms. Sandy Stoner, owner, were in attendance at the meeting.

Catherine Powers explained that this is continued consideration for a detached garage with second floor living space. At the July 16, 2007 meeting, the Plan Commission voted to table this request so that a topographic survey could be made to show grading and storm water plans. On August 8, 2007, the applicant submitted revised plans addressing the Plan Commission's concerns. The applicant is proposing to construct a new one and ½ story three-car detached garage with a finished unit on the upper level. The plans indicate the unit will provide independent living facilities with a living room, bedroom, a small kitchen and a full bathroom. Access to the second unit is via a doorway to the front of the garage. According to the revised plans, the total square footage is 1,394 square feet with the second unit measuring 611 square feet. The plans indicate the height to be 19'-9" from existing grade to the peak of the roof. Staff estimates the height as determined by the Zoning Ordinance by using the mean roof peak height from existing grade to be approximately 14-feet. Staff believes the detached garage/second unit meets the Zoning Ordinance requirements for accessory structures in that it is at least five feet away from the rear and side property lines. The Zoning Ordinance requires total lot impervious coverage not to exceed 55% for single family residences. In addition, second unit structures cannot occupy more than 35% of the rear yard area. The plans indicate that impervious coverage with the detached garage/second unit will be 54.8% and will occupy 30.9% of the rear yard area. The impervious coverage calculation includes a rear deck. The new plans provide contour information for the entire property and the immediate surrounding areas. The plans indicate that the driveway will be re-graded to match the level of the neighboring driveway. This re-grading will require some work to be made on a small portion of the neighbor's property at 8021 Crescent. A letter indicating the owner's permission for the work has been obtained. The revised plans show a modular block retaining wall on the west side of the rear driveway to mitigate the change in grade. Since a storm sewer is not located in the vicinity of this property, the applicant is proposing to pipe all downspouts from the detached garage, three downspouts from the house, and the driveway trench drain to an outlet in the front yard. A pop-up emitter is not specified. The revised plans indicate the proposed pipe to collect all of this storm water would be 6-inches diameter. To assist in controlling the runoff from this pipe, the plans show re-grading in the front yard which will create a shallow depression on the southeast corner of the lot. Landscaping for this area is not proposed. A new trash enclosure is proposed on the west side of the garage and screened with wood fence. The HVAC unit serving the second unit will be placed on the northeast corner of the lot, approximately 5-feet away from the property line. The HVAC unit is proposed to be screened with plants; however, staff is of the opinion that additional screening on the north side should be included. One 12-inch deciduous tree will be removed to accommodate the new structure. The revised plans show caliper inch replacement with five (5), 2-inch Dogwood trees and one (1), 2-inch Pin Oak. Staff is of the opinion that the proposed three-car detached/garage second unit meets the provisions of the Zoning Ordinance in terms of setbacks, impervious coverage, and rear yard coverage. Re-grading of the back yard and south east corner of the front yard is proposed to mitigate storm

water. While a storm sewer is not available, staff believes the applicant has mitigated the impact to adjacent properties by collecting the runoff and directing it to the front yard and eventually to the street. Staff would prefer that the pipe include a pop-up emitter. In addition, staff believes that the HVAC unit should also be screened with additional plants on the north side. Staff recommends approval of the site plan with the following conditions:

1. That the pipe collecting storm water from the downspouts and trench drain include a pop-up emitter.
2. That a revised landscape plan be submitted which includes additional plant material for screening of the HVAC unit.

Chairman Sanger asked for a brief overview of the project, focusing on the changes that have been made since the previous presentation.

Mr. Conant presented a site plan, showing the locations of the house and proposed garage. He stated that the deck and wall have been revised. A topographical survey was provided, showing that the contours indicate the same flow pattern with the new garage and mitigates yard water to the trench drain. He stated the minimum 1% grade pipe has been changed from a 4" pipe to a 6" pipe.

Jim Liberman asked if water north of the house will go to the trench drain.

Mr. Conant replied "no". He stated it will be directed to the west.

Jim Liberman asked about the pop-up bubbler.

Mr. Conant stated that the ultimate drop is the same.

Scott Wilson asked if other downspouts are day lighted.

Mr. Conant indicated that the downspouts on the back side of the garage are day lighted (as well as the existing downspouts on the main structure), but that the flexible 4" PVC piping will be diverted away from the property line.

Debbie Igielnik asked about the second unit.

Catherine Powers indicated that the square footage of living space for this proposal is 621 square feet; under the 1,000 square foot allowable in the R-2 District per the Zoning Code. She stated these units cannot be rented out or sold separately, but can be used for family, guests or employees of the property owners. (Note: The Plan Commission recommended approval of the Conditional Use Permit (for the second unit) at their meeting of July 16th).

Marc Lopata asked if the Zoning Code regulates the size of the footprint of the structure containing the living space.

Catherine Powers replied "no".

Additional discussion pertaining to storm water run-off ensued. Marc Lopata asked if the engineer could look at bedding the perforated pipe into the gravel so as to release water along the way.

Proposed and existing grades/elevations were discussed.

Marc Lopata noted that the garage is half the size of the house and larger than many houses in Clayton and that there is only a 26 square foot margin of error on the impervious coverage.

Mr. Carl Pohle, Charles' Pohle's son, 8024 Watkins, asked how many of the members have looked at the property. He asked how deep they are going to dig. He asked how this plan will provide for run-off from his parents' driveway.

Mr. Conant stated they will excavate about 4 foot into the ground to lower the back wall of the garage which will result in no drop off from the driveway.

Mr. Carl Pohle asked how they will level the driveway.

Mr. Conant referred to the 30" high railroad tie retaining wall to the neighbor to the east. He stated that they are dropping to their driveway. He referred to the plans and explained how they are going to level the driveway.

Debbie Igielnik asked if the concrete that is seen now will be gone.

Mr. Conant agreed. He stated the contours are shown on the site plan.

Dr. Jerry Sacher, 8021 Watkins, stated he does not approve of the proposal. He stated the letter that was submitted was very vague and that he has not seen the plans. He stated he is concerned with water run-off onto his property. He stated the applicant did not show him the plans.

Chairman Sanger pointed out that the letter simply states that Dr. Sacher agreed to the contractor accessing his property for the purposes of construction on the subject property.

Mr. Conant again explained the water run-off situation.

Chairman Sanger voiced his concern that the neighbor (Dr. Sacher) is not aware of improvements that are proposed to be made to his own property. He stated he would not be in favor of voting at this time so as to allow the neighbors to discuss and resolve these issues.

Debbie Igielnik agreed.

Ms. Stoner asked that these issues be resolved. She stated when she moved into the house, she heard how deplorable the bar-b-q pit was and how ugly the metal carport awning was. She emphasized that this is her property and although she understands that Dr. Sacher is concerned with water run-off; however, the Codes are being followed and the Conditional Use Permit has also been approved by this Commission. She stated that just because someone else's house is smaller than hers, she should not be limited to her use of her property provided she follows the codes and

regulations of the City. She stated she is trying to improve the value of her property and the neighborhood.

Chairman Sanger agreed that the proposal will be an improvement to the property. He stated that one of the duties of this Board is to be sure that proposals are an improvement and that they do not create additional problems to neighbors.

Ms. Stoner asked if she can complete the front part of her yard (wall and landscaping).

Chairman Sanger advised Ms. Stoner that the wall is part of architectural review.

Mike Schoedel commented that the wall has been unfinished for a long period of time.

Catherine Powers stated that there is the opportunity to consider that portion of the project since it is not covered in the site plan portion of the review. She then referred to Kevin O'Keefe for his opinion.

Kevin O'Keefe stated there is no prohibition on partial approval provided that the applicant understands the potential risk of the interface between the approved portion and any potential changes to other aspects of the project.

Chairman Sanger asked Ms. Stoner if she wanted the Board to consider the front yard wall.

Ms. Stoner replied "yes".

Chairman Sanger asked that the site plan portion be tabled.

Mike Schoedel asked for clarification as to what the applicant will be required to provide with regard to the proposed improvements to the neighbor's property.

Catherine Powers asked that staff be provided, in writing, a letter outlining specifically what the neighbor (Dr. Sacher) agrees to.

Mr. Charles Pohle asked if this would pertain to him as well.

Chairman Sanger informed Mr. Pohle that it would not, since his property would not be involved in change. He stated that the only reason this Commission is asking Ms. Stoner to discuss this situation with Dr. Sacher is because part of Dr. Sacher's property has to be changed for this proposal to work. He advised Mr. Pohle that it would be prudent for him to understand what is going on.

Mr. Charles Pohle commented that 5 feet from the driveway is the north face of the structure and on the east side there are flags between the two properties.

Mr. Conant stated that the structure will be 8'-10" from the east corner and 5' from the north property line.

Chairman Sanger suggested that Mr. Pohle talk to the architect as all issues will not be resolved this evening.

Mr. Charles Pohle voiced his concern about the safety factor due to the proposed digging near his driveway.

Chairman Sanger advised Mr. Conant to make contact with Mr. Pohle and ensure that he is completely aware of the aspects of the proposal before this project comes back before this Commission for consideration. Chairman Sanger reiterated the need for the letter of approval from Dr. Sacher with regard to the improvements proposed for his property.

Being no further questions or comments regarding the site plan, Mike Schoedel made a motion to table the site plan, seconded by Jim Liberman and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Catherine Powers stated that to her understanding, the only portion of architectural review that will be considered this evening is the front yard retaining wall. Catherine indicated that the modular block retaining wall material for the front yard has been changed to a Belgard product, Celtik series. This product features a tumbled look and varying block sizes. The color of the wall is proposed to be charcoal. As currently installed, the retaining wall contains several step downs as the grade lowers from the driveway near the house toward the middle of the yard. Staff believes that the Belgard Celtik wall material represents a higher quality than Versalok. While better than gray, the charcoal color may not match well with the structure. Catherine stated that staff recommends that the Belgard be approved in a color to be approved by the ARB.

Mr. Conant stated the charcoal gray color is the closest color match to the existing structure and that the Celtik style has varying sizes versus the previously requested Versa-lok.

Catherine Powers advised the members that the ARB Guidelines state that versa-lok cannot be used if the wall can be seen from the street or the first floor of an adjoining property.

Jason Jaggi informed the members that the versa-lok material that was installed in the front will be relocated to the rear yard.

Scott Wilson asked if the color of the wall is an issue.

Catherine Powers stated that staff is requesting that the Belgard material be approved in a color to be approved by the ARB.

Being no further questions or comments, Mike Schoedel made a motion to approve the front yard Belgard retaining wall, Oxford Gray in color. Chairman Sanger added that the motion include City Attorney O'Keefe's earlier comments regarding the risk the applicant takes regarding this partial approval and any subsequent approvals for the remainder of the project. The motion was seconded by Scott Wilson and unanimously approved by the Board.

EXTERIOR ALTERATIONS/LANDSCAPING – MULTI-FAMILY BUILDING – 712 BRENTWOOD BOULEVARD/8061 DAYTONA

Mr. Seth Langton, project architect, was in attendance at the meeting.

Catherine Powers explained that the existing brick will be painted on both structures. The paint color has not been specified. All existing windows will be replaced with new beige double hung vinyl windows. In addition a stained wood trellis system is proposed for the middle portion of the Brentwood façades. A new entry canopy with a skylight is proposed on the Daytona elevation. A new front yard limestone retaining wall is proposed between the two buildings. This retaining wall will serve to define the space between the buildings as a usable courtyard. The plans show the sides of the limestone wall to be concrete as it approaches grade at the building wall. Staff discussions with the architect indicate that the entire wall will be faced with limestone. A planter box is also proposed at the west entrance to the Daytona building. This planting area is designed to enhance the entry to the building. Also proposed is a concrete patio located at the rear of the 8061 Daytona building. This area is proposed to be screened with landscaping and a wood screen fence toward the rear of the building. A wood pavilion with a skylight is proposed adjacent to the sidewalk. An 8-foot tall pole light is proposed for the patio area. The applicant is not proposing an increase in impervious coverage for the 712 Brentwood, which is 58%. With the addition of the rear yard patio, the 8061 Daytona property is at the maximum of 55%. The exterior alterations are being proposed to modernize these two multi-family structures. Staff has concerns with the proposed wood trellis system facing Brentwood and believes that quality replacement windows, along with an appropriate exterior paint color for the brick, that the buildings can be sufficiently updated. The site improvements, overall, benefit the site. The proposed pole light provides illumination for the patio, but must not illuminate the adjacent property. Additionally, staff would recommend that the limestone retaining wall contain no exposed concrete. Therefore, staff recommends approval with the following conditions:

1. That the applicant provide information on the brick paint color for Architectural Review Board approval.
2. That the stained wood trellis system not be included in favor of high quality replacement windows.
3. That the concrete retaining wall be faced with natural limestone in its entirety.
4. That the light pole in the rear yard be shielded to eliminate “light trespass”.

Mr. Langton presented color renderings and material samples to the members. He stated that the roof of the building will remain the same color as is currently; the upper portion of the building will be painted very similar to the color it is now (cream); the lower portion of the building will be one of two very similar orange colors to be determined later. He explained that the proposed wall will be limestone, buff color.

Chairman Sanger commented that this is only architectural review as there are no changes to the site plan.

Debbie Igielnik asked Mr. Langton's response to staff recommendations.

Mr. Langton stated that some changes have already been made pursuant to staff recommendations; however, they do not agree with staff's recommendation to eliminate the stained wood trellis system as they think it adds a lot to the building and helps to soften the building.

Mike Schoedel stated his only concern with the trellis is the upkeep.

Mr. Langton stated that the condominium agreement could include the upkeep of the trellis.

Scott Wilson asked if the trellis could be a different material.

Mr. Langton indicated that even another material would require upkeep.

Mr. Jason Goodwin, 2237 Helen Court (Brentwood), stated that he has done a lot of projects with trellis work and that wear and tear is a concern of clients and how that is addressed either by using a high quality, hard cedar that is treated with a clear sealant to keep the elements from getting inside the wood or they use a hard dense wood from South America (10X more dense than Hickory or Oak). He then referred to Diamond Decking that has a lifetime warranty because it is so thick and heavy.

Marc Lopata asked if a synthetic material could be considered such as Trex or fiberglass.

Mr. Goodwin stated that the paint would not hold.

Marc Lopata stated that there are other products available that are impervious to water. He asked if the both buildings are owned by the same people.

Mr. Goodwin replied "yes".

He asked if the people in 712 will have access to the bar-b-q pit and patio area.

Mr. Goodwin replied "yes".

Marc Lopata commented that 712 is over the 55% impervious surface area, but 8061 is not.

Catherine Powers indicated that neither of the properties can add any more coverage.

Debbie Igielnik commented that the plans indicate that all windows are to be replaced; however, staff's recommendation talks about replacing the trellis system with high quality windows. She stated they are already replacing all the windows.

Catherine Powers indicated that the idea was to upgrade the windows to possibly a wood clad (something of a higher quality than vinyl).

Chairman Sanger stated that his issue is that even though they are painting the buildings and will look better when the project is complete, the trellises may help the buildings look less “blocky”.

Mr. Goodwin indicated that the windows they are proposing are actually vinyl clad wood windows, not just vinyl windows. He added that the garage doors will be replaced.

Mr. Mel Disney, Clayton resident, asked if these buildings will be converted to condominiums.

Chairman Sanger replied “yes”.

Mr. Disney asked that consideration also be given to what will happen to the brick over time if it is painted.

Marc Lopata again voiced his concern regarding the impervious coverage.

Mr. Tom Fry, 8053 Daytona, is concerned about the use of the driveway. He stated the people who live in that building park in the alley.

Chairman Sanger advised Mr. Fry to call the Police if someone is illegally parking.

Mr. Fry stated that he has not seen the plans.

Chairman Sanger asked the applicant to please provide Mr. Fry with a set of the plans.

Mike Schoedel made a motion to approve with staff recommendations numbers 1, 3 & 4 and that the hardest wood from South America (Diamond Decking) be used for the trellis systems and that the condominium by-laws state that these systems be properly maintained. The motion was seconded by Jim Liberman and received the following vote: Ayes: Chairman Sanger, Jim Liberman, Mike Schoedel, Debbie Igielnik and Scott Wilson. Nays: Marc Lopata.

FRONT YARD FREESTANDING WALL – 48 HILLVALE

Mr. Andy Youkilis, owner, was in attendance at the meeting. A sample of the material was presented.

Catherine Powers explained that this is a request for a freestanding wall in the front yard. She indicated that the Zoning Ordinance allows front yard walls with approval by the Architectural Review Board. The applicant is proposing to install a 3.5-foot tall natural stone wall on the west end of the residence. The wall will provide a visual barrier for a stamped concrete patio. The patio will extend 10-feet beyond the front building line in compliance with the Zoning Ordinance. Catherine stated that Claverach Park Trustee approval has been obtained and staff recommends approval as proposed.

Scott Wilson asked if this wall will provide a balance with the wall on the east.

Mr. Youkilis stated the walls will compliment each other.

Mr. Terry Turner, 50 Hillvale, indicated that there is a lot line issue.

Mr. Youkilis indicated that his survey is 3 years old and the markers are clearly visible.

Mr. Turner stated the markers are wrong.

Kevin O'Keefe advised that the City is not in the position to resolve property line disputes. He stated that the application submitted for this wall depicts the wall entirely on the subject property and that approval by this Board does not include permission for anyone to do any work on any one else's property. He stated this issue needs to be resolved between the property owners.

Chairman Sanger stated that this can be voted on based on the merits of the wall itself.

Kevin O'Keefe added that it would also be based on the plans that the wall is shown to be constructed on the applicant's property only. He reiterated that the City's approval of this application does not grant anyone permission to go on anyone else's property.

Chairman Sanger stated that this property line issue needs to be resolved between the two property owners, either through negotiation or through court. This matter cannot be resolved at the ARB level.

Being no further questions or comments, Marc Lopata made a motion to approve the wall as submitted. The motion was seconded by Scott Wilson and unanimously approved by the Board.

Mike Schoedel suggested that the discussion regarding the Transit Oriented Development District take place at a special meeting.

Chairman Sanger agreed. He asked staff to determine when all members would be available for a special meeting.

Mike Schoedel commented that the issue of impervious coverage is challenging for staff, since 55% impervious coverage is the percentage outlined in the Code, but if this Board feels this percentage should be lowered, then it should be changed, but staff can only abide by what our Code says and therefore, when these projects come in, staff has to work within those parameters.

Chairman Sanger stated that if someone comes in at 54.9%, it is still within the guidelines.

Kevin O'Keefe added that it is not only an obligation incumbent on staff, but also an obligation on all persons and bodies. There is no privilege to say this is too close to the limit; it either is or is not the limit, unless there is a miscalculation.

Chairman Sanger reiterated that there are standards and that those standards are followed.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 7:05 p.m.

Recording Secretary